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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/717,198	11/19/2003	Gustav Schoeman	977-007(a)	6246

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06/02/2006

EXAMINER
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PATEL, HEMANT SHANTILAL

ART UNIT	PAPER NUMBER
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2614

DATE MAILED: 06/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/717,198	SCHOEMAN, GUSTAV	
	<b>Examiner</b>	<b>Art Unit</b>	
	Hemant Patel	2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 19 November 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-5 and 7-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 7-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

### **DETAILED ACTION**

The disclosure contains new material i.e. Fig. 6A, 6B, 7A and 7B, and reference to administrator setting up various profiles for user access rights, backing up recordings on CD-writer etc. These were not discussed in the parent application. Thus, in current application, claims 1-11, 16, 21-22 do not get the benefit of filing date of parent application because claim 1 limitation for "a means for restricting access to said storage medium and said database"; claim 16; and claim 21 limitation "assigning access rights to said central digital file and said entry in said database" are not supported by the parent application.

### ***Claim Objections***

1. Claims are objected to because of the following informalities: Claim 6 is missing. Claims must number sequentially. Appropriate correction is required.

### ***Double Patenting***

2. Claims 1-11 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 116-123 of copending Application No. 10/309,768 (hereinafter referred to as Parent) in view of Pattison (US Patent No. 6,058,163). Parent claims 116-123 recite all the limitations of instant application claim 1 except functionalities of central server to store remotely call recording and database entries and restricting access to this storage and database.

However, in the same field of endeavor, Pattison teaches of centralized storage of recorded sessions (call logging) (Fig. 4, item 120; Fig. 7, item 330) and restricting its access by the use of password (col. 10, ll. 33-34).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Parent to restrict access to centralized database using password as taught by Pattison in order to allow only authorized secure access to important business data as is well known in the art.

This is a provisional obviousness-type double patenting rejection.

3. Claims 12-20 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 116-123 of copending Application No. 10/309,768 (hereinafter referred to as Parent) in view of Pattison (US Patent No. 6,058,163). Parent claims 116-123 recite all the limitations of instant application claim 12 except functionalities of a server as a storage medium to which call recordings are stored and an interface to remotely access this server.

However, in the same field of endeavor, Pattison teaches of networked MS SQL server (col. 14, ll. 62-64; Fig. 4, items 120, 124) and accessing it remotely (Fig. 4, item 114).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Parent to store recordings at a centralized server and access it remotely as taught by Pattison in order “to ensure the integrity of stored voice/data sessions or to enhance the storage capacity” (Pattison, col. 9, ll. 47-48).

This is a provisional obviousness-type double patenting rejection.

4. Claims 21-22 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-38 of copending Application No. 10/309,768 (hereinafter referred to as Parent) in view of Pattison (US Patent No. 6,058,163). Parent claims 1-38 recite all the limitations of instant application claims 21-22 except the limitation of assigning access rights to digital file and its corresponding entry in database.

However, in the same field of endeavor, Pattison teaches of centralized storage of recorded sessions (call logging) (Fig. 4, item 120; Fig. 7, item 330) and restricting its access by the use of password (col. 10, ll. 33-34).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Parent to restrict access to centralized database using password as taught by Pattison in order to allow only authorized secure access to important business data as is well known in the art.

This is a provisional obviousness-type double patenting rejection.

### ***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claim 5 recites the limitation "said searchable criteria" in 1. There is insufficient antecedent basis for this limitation in the claim.

7. Claim 7 recites the limitation "said searchable criteria" in 1. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 102***

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 12-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Fedorov (US Patent No. 6,047,060).

***Regarding claim 12***, Fedorov discloses a system for securely logging and retrieving telephone audio recordings wherein said system comprises:

at least one call logging device comprising a telephone (Fig. 2, item 127), a computer (Fig. 2, item 131), and a circuit to interface said telephone to said computer such that said computer receives audio signals from said telephone (Fig. 3, item 135, modular jack with resistor);

at least one server (Fig. 2, item 115) comprising a storage medium (Fig. 2, item 147) and a database for storing an identification tag identifying said audio signal (Fig. 2, item 155);

a communications means to enable said call logging device and said central server to communicate wherein said call logging device sends data representative of

said audio signals from said telephone via said communications means to said central server (Fig. 2, item 117); and

an interface means provided by said server to enable users to remotely access information stored in said central server (Fig. 2, item 117).

**Regarding claims 13, 14, 15,** Fedorov discloses of a system with communications means comprising a local area network (LAN)/ wide area network (WAN) using TCP/IP (Fig. 2, item 117).

### ***Claim Rejections - 35 USC § 103***

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 1-5, 7-8, 10-11, 21-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fedorov, and further in view of Pattison (US Patent No. 6,058,163).

**Regarding claim 1,** Fedorov teaches of a system for recording, uploading, and securely downloading a telephone conversation comprising:

a call logging device for logging and uploading audio signals to a user including a telephone (Fig. 2, item 127), a computer (Fig. 2, item 131), a circuit to interface said telephone to said computer such that said computer receives audio signals from said telephone (Fig. 3, item 135, modular jack with resistor), and prompt means to provide information to users of said call logging device (Fig. 2, item 131, display of computer);

a central server (Fig. 2, item 115) comprising a storage medium for storing said audio signals (Fig. 2, item 147) and a database for storing an identification tag identifying said audio signal (Fig. 2, item 155; col. 10, ll. 31-32, recorded calls are associated with transactions and col. 10, ll. 40-41, a tag is added to each transaction) wherein said storage medium and said database are remotely accessible (Fig. 2, item 117);

a communications means to enable said call logging device and said central server to communicate (Fig. 2, item 117).

Fedorov does not specifically teach of restricting access to storage medium and database.

However, in the same field of endeavor, Pattison teaches of centralized storage of recorded sessions (call logging) (Fig. 4, item 120; Fig. 7, item 330) and its access is restricted by the use of password (col. 10, ll. 33-34).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Fedorov to include restricted access to centralized database using password as taught by Pattison in order to allow only authorized secure access to important business data as is well known in the art.

**Regarding claim 2**, Fedorov teaches of adding an identification tag to a recorded transaction as searchable criteria (col. 10, ll. 40-41).

**Regarding claim 3**, Pattison teaches of using name as searchable criteria (col. 23, ll. 55-57, monitored session ID to search is received from monitored session report,



and Fig. 3, session report classifies monitored sessions by agent name. Thus each session is uniquely searchable by user name.).

**Regarding claim 4**, Fedorov teaches of supervisor to retrieve recorded calls for any particular transaction and to review the calls (col. 10, ll. 31-34).

**Regarding claims 5, 7**, Pattison teaches of a session ID with digits that include time (HHMM) and date (MMDD) (col. 23, ll. 53-61; Fig. 3, items 92, 94).

**Regarding claim 8**, Fedorov teaches of relational database, MS SQL Server® (col. 14, ll. 62-64) that can identify caller for a recorded session (col. 23, ll. 60-61, session recorded for caller John Smith).

**Regarding claim 10**, Pattison teaches of prompting supervisor to enter session ID related to audio recording (col. 23, ll. 53).

**Regarding claim 11**, Pattison teaches of supervisor entering session ID related to audio recording (col. 23, ll. 53).

**Regarding claim 21**, it recites a method substantially performed by a system as claimed in claim 1. Refer to rejection for claim 1.

**Regarding claim 22**, Pattison teaches of generating electronic mail for annotation recording which are part of central digital file of original recording to which they pertain to (col. 22, 46-50).

12. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fedorov and Pattison as applied to claim 2 above, and further in view of Hunt (US Patent No. 6,349,137 B1).

**Regarding claim 9**, Fedorov and Pattison do not teach of using caller number to search a recorded session file.

However, in the same field of endeavor, Hunt teaches of using caller number received as automatic number as a file identifier to search for customer information in a database (col. 3, ll. 6-8).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Fedorov and Pattison to use caller number as search key to locate customer file as taught by Hunt since this information is easily and automatically available with every call without the need for any human query and hence save call processing real time.

13. Claims 16-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fedorov and Pattison as applied to claims 1, 10, 12 above.

**Regarding claim 16**, refer to rejection for claim 1 and claim 12.

**Regarding claim 17**, refer to rejection for claim 10 and claim 12.

**Regarding claim 18**, Pattison further teaches of supervisor responding with option to playback and recording annotations which are stored with recorded file in database (col. 20, ll. 53-57).

**Regarding claim 19**, Pattison further teaches of supervisor logging in with a user password to access centralized database (col. 10, ll. 33-34).

**Regarding claim 20**, Fedorov teaches of using a GUI to access database remotely over WAN supporting TCP/IP. It would have been obvious to a person of

ordinary skill in the art at the time the invention was made to modify Fedorov further to use freely available web-browser like Netscape Navigator®, FireFox® or a browser like an already packaged Internet Explorer® in Microsoft® operating systems as is well known in the art.

***Conclusion***

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Yekutieli (US Patent No. 5,526,408) Communication System

Brady (US Patent No. 5,982,857) Voice Recording Method And System

Providing Context Specific Storage And Retrieval

Rosen (US Patent No. 5,784,436) Automatic Telephone Recorder System

Incorporating A Personal Computer Having A Sound Handling Feature

Kashiwagi (US Patent Application Publication No. 2002/0012422 A1) Logger

Machine And Logger Equipment Using The Same

Noguchi (US Patent Application Publication No. 2002/0027977 A1) Data

Recording System For IP Telephone Communication

LaVelle (US Patent Application Publication No. 2003/0147509 A1) Method And

Apparatus For Recording Telephone Calls


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hemant Patel whose telephone number is 571-272-8620. The examiner can normally be reached on 8:00 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on 571-272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Hemant Patel  
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